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NO. 5285 P. 1

**FAX TRANSMITTAL
TO THE UNITED STATES PATENT OFFICE**

Applicants Docket Number:
USST98032 US PCT

Applicants:
BRANELLEC, et al.

Serial No.
09/787,995

Filing Date:
July 9, 2001

Title of Invention:
USE OF SPECIFIC HYBRID PROMOTERS FOR CONTROLLING TISSUE EXPRESSION

CERTIFICATE OF TRANSMISSION
I hereby certify that this correspondence is being transmitted via facsimile to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, Maria Marvich, at 703-872-9306, on Date of Deposit July 13, 2004
Printed Name of Person Signing Certificate Jonas Pierre, Sr.
Signature [Signature]

Total Number of Pages Sent: 7

Attorney: **F. Aaron Dubberley**
Reg. No. **41,001**
Group Art Unit: **1636**
Examiner: **MARVICH, Maria**

TO: Mail Stop Patent Application
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Please acknowledge receipt of the below-listed documents for the above Application by returning this sheet, signed and dated, by return telefax to (908) 231-2626. If any fees are required, please charge our deposit account (18-1982) in the name of **Aventis Pharmaceuticals Inc.**

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| <input checked="" type="checkbox"/> Response to Office Action (4 - pages) | <input type="checkbox"/> Fee Transmittal |
| <input checked="" type="checkbox"/> Notice Of Appeal (1 - page) | <input type="checkbox"/> Petition under 37 CFR _____ |
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Aventis Pharmaceuticals Inc., Route 202-206, P.O. Box 6800, Bridgewater, New Jersey 08807, U.S.A. www.aventis.com
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Aventis Pharmaceuticals Inc. template (March 2001)

JUL 12 2004

OFFICIALIN THE UNITED STATES PATENT AND TRADEMARK OFFICEIn re Application of
BRANELLEC, et al.

Examiner: MARVICH, Maria

Application No.: 09/787,995

Art Unit: 1636

Filed: July 9, 2001

Title: **USE OF SPECIFIC HYBRID
PROMOTERS FOR CONTROLLING
TISSUE EXPRESSION**

TELEFAX CERTIFICATE

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July 13, 2004.

Date of Transmission

Signature

RESPONSE TO OFFICE ACTIONMail Stop Patent Application
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

In further response to the final Office Action dated February 13, 2004 and in response to the Advisory Action dated June 09, 2004 for the above-identified application, Applicants respectfully request withdrawal of the finality of the Office Action and traverse all rejections of the claims. In case Applicants' request is not granted, Applicants enclose a Notice of Appeal, to maintain pendency and prevent abandonment of the application. The Commissioner is authorized to charge any additional fees or credit any overpayment necessitated by this response to Deposit Account No. 18-1982.

Applicants wish to thank Examiner Marvich for her time discussing this case with others in the Patent Office after issuance of the Advisory Action and particularly for the phone message she left with the undersigned on June 22, 2004. In this message, the Examiner indicated that she would reconsider withdrawing the finality of the Office Action and her reliance on the vector maps first presented in the final Office Action, if Applicants would submit a further response reiterating their arguments. Such a response follows.

Applicants respectfully request that the finality of the February 13, 2004 Office Action be withdrawn and a new Office Action be issued. Applicants have had no opportunity to evaluate or